

EXHIBIT A

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Serial Number: 78438884 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

CAMPNY

(words only): CAMPNY

Standard Character claim: Yes

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2005-09-01

Filing Date: 2004-06-21

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 113

Attorney Assigned:

MURRAY DAVID T [Employee Location](#)

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-03-16

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [Burkina Wear, Inc.](#)

Address:

[Burkina Wear, Inc.](#)
[177 East Houston Street](#)

New York, NY 10002

United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 018

Class Status: Active

Backpacks, bookbags, shoulder bags, handbags and purses, tote bags, travel bags and waist packs

Basis: 1(a)

First Use Date: 2004-06-21

First Use in Commerce Date: 2004-06-21

International Class: 025

Class Status: Active

Clothing, namely, t-shirts, men's and women's jeans, men's and women's shirts, hats, caps, baseball caps, neck ties, socks, men's and women's shorts, men's and women's sport jackets and coats, wind resistant jackets, rain coats, golf shirts, gym shorts, headbands, jerseys, jumpsuits, slacks, pants, parkas, sweatshirts, ski masks, athletic suits, sweatsuits, warm-up suits, sweaters, tennis wear, vests, turtleneck shirts and sweaters, polo shirts

Basis: 1(a)

First Use Date: 2004-06-21

First Use in Commerce Date: 2004-06-21

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-01-11 - PAPER RECEIVED

2005-09-01 - Opposition instituted for Proceeding

2005-05-19 - Extension Of Time To Oppose Received

2005-04-26 - Published for opposition

2005-04-06 - Notice of publication

2005-02-04 - Law Office Publication Review Completed

2005-02-02 - Assigned To LIE

2005-01-25 - Approved for Pub - Principal Register (Initial exam)

2005-01-25 - Assigned To Examiner

2004-06-28 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Steven Mancinelli

Correspondent

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Erik M. Pelton, Attorney at Law

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Arlington, VA 22210

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EXHIBIT B

**United States Patent and Trademark Office**

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**TTABVUE. Trademark Trial and Appeal Board Inquiry System****Opposition****Number:** 91166420**Filing Date:** 08/26/2005**Status:** Pending**Status Date:** 09/01/2005**Interlocutory Attorney:** [ANN LINNEHAN](#)**Defendant****Name:** [Burkina Wear, Inc.](#)**Correspondence:** [Erik M. Pelton](#)Erik M. Pelton, Attorney at Law
PO Box 100637
Arlington, VA 22210
emp@tm4smallbiz.com**Serial #:** [78438884](#)[Application File](#)**Application Status:** Opposition Pending**Mark:** CAMPNY**Plaintiff****Name:** [Campagnolo S.R.L.](#)**Correspondence:** [Anthony S. Volpe](#)Volpe and Koenig, P.C.
United Plaza, Suite 1600 30 South 17th Street
Philadelphia, PA 19103
msnyder@volpe-koenig.com, JOMalley@volpe-koenig.com,
mcamus@volpe-koenig.com, ptomail@volpe-koenig.com, JRyan@volpe-koenig.com**Prosecution History**

#	Date	History Text	Due Date
28	08/10/2007	SUSPENDED PENDING DISP OF CIVIL ACTION	
27	06/18/2007	D'S REPLY IN SUPPORT OF MOTION	
26	06/08/2007	P'S OPPOSITION/RESPONSE TO MOTION	
25	05/25/2007	D'S MOTION TO REOPEN DISCOVERY	
24	01/11/2007	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	
23	12/22/2006	SUSPENDED	
22	11/22/2006	P'S REPLY IN SUPPORT OF MOTION	
21	11/03/2006	D'S OPPOSITION/RESPONSE TO MOTION	
20	11/01/2006	P'S MOT TO SUSP PEND DISP CIV ACTION	
19	10/12/2006	DISCOVERY AND TESTIMONY PERIODS ARE RESET	
18	09/26/2006	D'S OPPOSITION/RESPONSE TO MOTION	
17	09/20/2006	P'S MOTION FOR AN EXTENSION OF TIME	
16	08/16/2006	EXTENSION OF TIME GRANTED	
15	08/16/2006	STIPULATION FOR AN EXTENSION OF TIME	
14	06/15/2006	EXTENSION OF TIME GRANTED	
13	06/15/2006	STIPULATION FOR AN EXTENSION OF TIME	

<u>12</u>	04/04/2006	<u>EXTENSION OF TIME GRANTED</u>	
<u>11</u>	04/04/2006	<u>STIPULATION FOR AN EXTENSION OF TIME</u>	
<u>10</u>	02/17/2006	<u>EXTENSION OF TIME GRANTED</u>	
<u>9</u>	02/17/2006	<u>STIPULATION FOR AN EXTENSION OF TIME</u>	
<u>8</u>	09/15/2005	<u>AMENDED NOTICE OF OPPOSITION</u>	
<u>7</u>	09/15/2005	<u>AMENDED NOTICE OF OPPOSITION</u>	
<u>6</u>	09/15/2005	<u>AMENDED NOTICE OF OPPOSITION</u>	
<u>5</u>	10/07/2005	<u>ANSWER</u>	
<u>4</u>	10/07/2005	<u>CHANGE OF CORRESPONDENCE ADDRESS</u>	
<u>3</u>	09/01/2005	PENDING, INSTITUTED	
<u>2</u>	09/01/2005	<u>NOTICE AND TRIAL DATES SENT; ANSWER DUE:</u>	10/11/2005
<u>1</u>	08/26/2005	<u>FILED AND FEE</u>	

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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

gcp/fc

Mailed: August 10, 2007

Opposition No. 91166420

Campagnolo S.R.L.

v.

Burkina Wear, Inc.

George C. Pologeorgis, Interlocutory Attorney:

This case now comes up on applicant's motion (filed May 25, 2007) to reopen proceedings after suspension pending the final determination of a civil action between the parties in the United States District Court for the Eastern District of Pennsylvania. The motion has been fully briefed.

Applicant has submitted a copy of the May 1, 2007 order of the United States District Court for the Eastern District of Pennsylvania dismissing civil action 06-4856 on the grounds of lack of personal jurisdiction and improper venue. In light of the district court's dismissal on grounds not concerning the merits of the case, applicant requests that this Board proceeding be resumed so that the Board may now consider applicant's pending motions to dismiss, for sanctions, and for judgment on the pleadings.

In its response to applicant's motion, opposer advised the Board that on May 7, 2007, applicant filed a complaint

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for declaratory judgment in the United States District Court for the Southern District of New York, against opposer, and on May 24, 2007, applicant filed an amended complaint on the same matter.¹ Opposer attached copies of the complaints as exhibits to its brief. Opposer asserts that further suspension of the instant Board case is appropriate and warranted because (1) the parties to the civil suit are the same as this opposition, (2) the issues in the civil suit are the same as or similar to those in this opposition, and (3) suspending this opposition will be less burdensome on the parties, the District Court and the Board.

Applicant claims that opposer has engaged in delay tactics as a strategy in this proceeding, and is seeking to delay and avoid decision on potentially dispositive motions filed earlier with the Board.

It is the policy of the Board to suspend proceedings when the parties are involved in a civil action that may be dispositive of or have a bearing on the Board case. See Trademark Rule 2.117(a).

A review of the complaint in the most recent civil case between the parties to this proceeding, as filed and as amended on May 24, 2007, indicates that a decision by the

¹ The civil action is styled *Burkina Wear, Inc. v. Campagnolo, S.R.L.*, Civ. No. 07 CV 3610 (HP) (RWS), United States District Court for the Southern District of New York, filed on or about May 7, 2007.

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district court could be dispositive of, or have a bearing on, the issues in this opposition proceeding.

Accordingly, applicant's motion to reopen these proceedings is denied, and proceedings herein remain suspended pending final disposition of the civil action between the parties in the United States District Court for the Southern District of New York.

Within twenty days after the final determination of the civil action, the interested party should notify the Board so that this case may be called up for appropriate action. During the suspension period the Board should be notified of any address changes for the parties or their attorneys.

Additionally, the Board notes applicant's motion, filed concurrently with its brief in response to the first motion to suspend (filed November 3, 2006), to dismiss the opposition, sanction opposer and enter judgment in favor of applicant. These motions will be decided upon the resumption of these proceedings, if necessary.